

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ARTHUR MCELROY,)	
)	
Plaintiff,)	
)	
v.)	1:15CV1034
)	
DEPARTMENT OF CORRECTIONS,)	
)	
Defendant.)	

ORDER

The Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) and, on December 9, 2015, was served on the parties in this action. (ECF Nos. 3, 4.) Plaintiff filed a letter document which the Court construes as an Objection to the Recommendation. (ECF No. 5.)

The Court has appropriately reviewed the portions of the Magistrate Judge's Recommendation to which objection was made and has made a *de novo* determination which is in accord with the Magistrate Judge's Recommendation. The Court hereby adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that this action be filed and dismissed *sua sponte* without prejudice to Plaintiff filing a new Complaint, on the proper § 1983 forms, which corrects the defects cited in the Recommendation. A Judgment dismissing this action will be entered contemporaneously with this Order.

This, the 18th day of December, 2015.

/s/ Loretta C. Biggs
United States District Judge